

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WILLIE SPIRLES,

Plaintiff,

-v.-

6:98-CV-1025
(TJM)

RPA LAUX, *et al.*,

Defendants.

APPEARANCES:

WILLIE SPIRLES
Plaintiff, *pro se*
97-B-0620

THOMAS J. MCAVOY, SENIOR DISTRICT JUDGE

DECISION and ORDER

I. Background

Presently before this Court is motion for relief from payment of the filing fee from Willie Spirles ("plaintiff" or "Spirles"). Dkt. No. 52. Plaintiff's motion seek vacation of the *in forma pauperis* application and inmate authorization form so that plaintiff will not be required to pay the balance of the filing fee owed to the Court.

By way of background, this action was originally filed on June 29, 1998. A report and Recommendation was issued on February 11, 2000 recommending that the defendants' cross-motion for summary judgment be granted. By Order filed March 9, 2000, this Court adopted the Report and Recommendation and this action was dismissed. Dkt. No. 47. Thereafter, plaintiff appealed to the Second Circuit Court of Appeals. Dkt. No. 49. That appeal was dismissed. Dkt. No. 51.

After review of the history of this action, and based upon the information presented to this Court, the Court hereby finds that plaintiff has failed to establish good cause to vacate the *in forma pauperis* application and inmate authorization form.

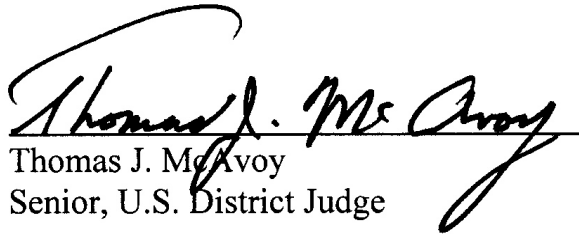
Accordingly, it is hereby

ORDERED, that plaintiff's motion for relief from payment of the filing fee (Dkt. No. 52) is denied, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.

April 13, 2006


Thomas J. McAvoy
Senior, U.S. District Judge